



IM
AF

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ERNEST W. MOODY

Appl. No.: 09/894,501

Art Unit: 3714

Filed: June 28, 2001

Examiner: Coburn, C.

For: APPARENT SKILL GAME USED AS A BONUS ROUND
ON A GAMING MACHINE

MAIL STOP AF
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

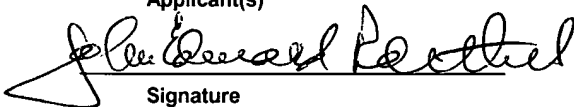
REQUEST FOR RECONSIDERATION OF NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF

Applicant hereby requests reconsideration of the Notification
of Non-Compliant Appeal Brief mailed October 31, 2006.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope
address to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on November 6, 2006.

Ernest W. Moody

Applicant(s)



Signature

November 6, 2006

Date of Signature

Appellant's Supplemental Appeal Brief was filed on April 12, 2004.

The amendments to the rules for Appeal Briefs went into effect on September 13, 2004. See Federal Register, Vol. 69, No. 155, page 49960 et seq.

At the time Appellant's Supplemental Appeal Brief was filed, Appellant submits that the Supplemental Appeal Brief was in compliance with the then rules for Appeal Briefs.

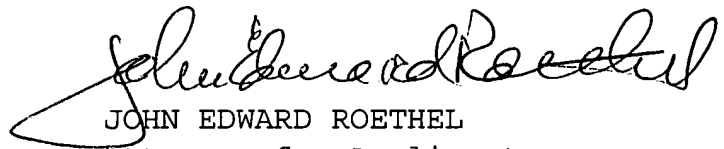
The Examiner's Answer was filed on October 5, 2006. There is no explanation in the record of this application why it took more than two years for the Examiner's Answer to be filed.

The Notification of Non-Compliant Appeal Brief references various sections of 37 CFR 41.37. The requirements of these sections were not in effect on April 12, 2004 when Appellant's Appeal Brief was filed.

It would be an unnecessary hardship and expense on Appellant to now require a new Appeal Brief. Furthermore, the requirements of new 37 CFR 41.37 state that any Appeal Brief filed before September 13, 2004 that complies with the former 37 CFR 1.192 would be accepted.

Appellant requests that the Supplemental Appeal Brief filed on April 12, 2004 be accepted and that the Notification of Non-Compliant Appeal Brief be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Edward Roethel", with a large, stylized flourish extending from the bottom left of the signature.

JOHN EDWARD ROETHEL
Attorney for Applicant
Registration No. 28,372

2290 South Jones Blvd., #100
Las Vegas, Nevada 89146
Phone: (702) 364-1190